

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Amendment of Part 90 of the ) RM-8584  
Commission's Rules )  
  
To: The Commission

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COMMENTS  
OF THE  
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

The Personal Communications Industry Association ("PCIA"),<sup>1</sup> pursuant to Section 1.405 of the Commission's Rules, 47 C.F.R. §1.405, respectfully submits its Comments in response to the Petition for Rule Making file by the Alliance of Private 800/900 MHz Licensees ("APEL") in the above-captioned proceeding.

PCIA supports the general themes expressed in the APEL Petition including the elimination of the five (5) year loading standard requirement and the eight month construction rule. PCIA's Private System Users Alliance, which has been in existence since

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<sup>1</sup>PCIA is an international trade association created by the merger of the National Association of Business and Educational Radio, Inc. ("NABER") and PCIA to represent the interests of both commercial mobile radio service (CMRS) and private mobile radio service (PMRS) users and businesses involved in all facets of the personal communications industry. PCIA's Federation of Councils include: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Specialized Mobile Radio Alliance, the Site Owners and Managers Association, the Association of Wireless System Integrators, the Association of Communications Technicians, and the Private System Users Alliance. In addition, NABER is the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, 800 MHz General Category frequencies for Business eligibles and conventional SMR systems, and for the 929 MHz paging frequencies.

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1965, has considered this issue at past meetings. The Commission has rarely inquired into the loading on private systems at the five year anniversary, however, PCIA agrees that the rule should apply to all 800 MHz systems equally. Further, the same construction considerations should apply to conventional private systems as apply to conventional SMR systems.

PCIA is concerned, however, that for the sake of administrative convenience, applicants should not be able to obtain an exclusive channel without adequate mobile needs. In other words, a private system with five (5) mobile units should not be able to retain exclusivity on a conventional channel without a demonstration of the need for the requisite number of units to load the channel. Similarly, the same entity, with five (5) mobile units, should not be able to apply for a five channel trunked radio system without a similar demonstration. Therefore, PCIA suggests that for conventional private systems, the Commission continue to ask in its FCC Form 800A letter (sent at the end of the construction period) for the number of mobiles on the channel. For private trunked systems, the Commission should require at the time of licensing some demonstration that the applicant has a need for the number of mobile units necessary to load the number of channels requested.

**WHEREFORE**, the Personal Communications Industries Association respectfully requests that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

**PERSONAL COMMUNICATIONS  
INDUSTRY ASSOCIATION**

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Date: February 23, 1995

**CERTIFICATE OF SERVICE**

I, Sarah Locke, a secretary in the law office of Meyer, Faller, Weisman & Rosenberg, P.C. hereby certify that I have on this 23rd day of February, 1995 sent via hand delivery, a copy of the foregoing "Comments of the Personal Communications Industry Association" to the following:

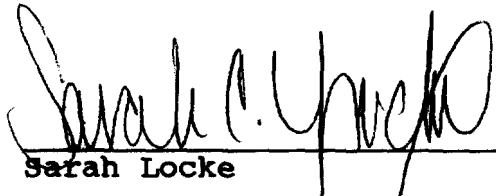
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\* Denotes delivery by hand